

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CERTAIN UNDERWRITERS AT LLOYD'S</b>	<b>:</b>	<b>CIVIL ACTION</b>
<b>LONDON SUBSCRIBING TO POLICY</b>	<b>:</b>	
<b>NO. SMP3791,</b>	<b>:</b>	
<b>Plaintiff,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>NO. 12-571</b>
	<b>:</b>	
<b>WILLIAM CREAGH; 22<sup>ND</sup> STREET, LLC;</b>	<b>:</b>	
<b>GARY CREAGH, JR.; GARY</b>	<b>:</b>	
<b>CREAGH, SR.,</b>	<b>:</b>	
<b>Defendants.</b>	<b>:</b>	

**ORDER**

**AND NOW**, this 25th day of June, 2013, upon consideration of Defendant William Creagh's Motion for Partial Summary Judgment on Liability on Plaintiff's Declaratory Judgment Action and on Liability On Defendant William Creagh's Counterclaim for Compensatory Damages Pursuant to FRCP 56 (Document No. 17, filed August 30, 2012), Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791's Opposition to Defendant's Motion for Partial Summary Judgment and Cross-Motion for Partial Summary Judgment (Document 21, filed October 3, 2012) and the related filings of the parties,<sup>1</sup> Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMPP3791's Motion for Summary Judgment on Defendant's Counterclaim and Memorandum of Law in Support (Document No. 25, filed November 5, 2012), Defendant's Response to Plaintiff's Motion for Summary Judgment (Document 25) on Defendant's Counterclaim and Memorandum of Law in Support and Defendants' Cross Motion for Summary Judgment on Liability for Bad Faith and Under the UTPCPL and Memorandum of Law in Support (Document No. 32, filed November 19, 2012), Certain Underwriters at Lloyd's

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<sup>1</sup> Defendants' Response to Plaintiffs' Cross Motion for Summary Judgment (Document No. 22-23, filed October 23, 2012), Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791's Reply Brief in Support of Cross-Motion for Partial Summary Judgment (Document No. 24, October 26, 2012), Defendant William Creagh's Surreply Brief to Document 21 Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791's Cross-Motion for Partial Summary Judgment and Document 24 Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791's Reply Brief in Support of Cross-Motion for Partial Summary Judgment (Document No. 30, filed November 13, 2012).

London, Subscribing to Policy No. SMP3791's Response in Opposition to Defendants' Cross-Motion for Summary Judgment on Counts II and III of Defendant's Counterclaim and Memorandum of Law in Support (Document No. 35, filed November 30, 2012), Plaintiffs' Supplementation of the Record in Support of their Cross-Motion for Summary Judgment on the Declaratory Judgment Action and Motion for Summary Judgment on Counterclaim (Document No. 37, filed March 15, 2013) and Defendant William Creagh's Supplementation of the Record Pursuant to the Court's Order of February 15, 2013 (Document No. 38, filed March 18, 2013), for the reasons set forth in the Memorandum dated June 25, 2013, **IT IS ORDERED** as follows:

1. Certain Underwriters at Lloyd's London's Cross-Motion for Partial Summary Judgment, and Motion for Summary Judgment on Defendant's Counterclaim are **GRANTED**;

2. Defendant William Creagh's Motion for Partial Summary Judgment on Liability on Plaintiff's Declaratory Judgment Action and on Liability On Defendant William Creagh's Counterclaim for Compensatory Damages Pursuant to FRCP 56, and Defendants' Cross Motion for Summary Judgment on Liability for Bad Faith and Under the UTPCPL are **DENIED**;

3. The Court **DETERMINES** that plaintiff Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791 has no duty to indemnify defendants or any other loss payee for any damage or loss to the building located at 106 Chestnut Street in Philadelphia, Pennsylvania, caused by the bodily fluids of Arthur Doud, the decedent;

4. Judgment is **ENTERED IN FAVOR** of plaintiff Certain Underwriters at Lloyd's London, Subscribing to Policy No. SMP3791, and **AGAINST** defendants William Creagh, 22<sup>nd</sup> Street, LLC, Gary Creagh, Jr., and Gary Creagh, Sr.

**IT IS FURTHER ORDERED** that the Clerk of Court shall **MARK** this case **CLOSED**.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

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**DuBOIS, JAN E., J.**